

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CUMBERLAND VALLEY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
COMPLAINANT)	
)	CASE NO.
v.)	90-112
)	
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

O R D E R

This matter arising upon petition of Shamrock Coal Company ("Shamrock"), Intervenor herein, filed November 16, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information filed in response to a request made by Cumberland Valley Rural Electric Cooperative Corporation ("Cumberland Valley"), and it appearing to this Commission as follows:

On October 18, 1990, at a deposition of Shamrock officials, Cumberland Valley requested Shamrock to furnish the average selling price of coal per ton from Shamrock's Beech Fork operation and a breakdown of the components of the total \$55,000,000 investment for an additional preparation plant and longwall additions. In support of its motion, Shamrock states that maintaining confidentiality of the information complies with the requirements of the Commission's confidentiality regulation.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. The motion by Shamrock satisfies neither requirement.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by Shamrock for confidential protection, filed in response to the request by Cumberland Valley, shall be held in abeyance to allow Shamrock to supplement its petition with the statements identifying its competitors to whom the information would be of value and stating with specificity why disclosure of the information is likely to cause Shamrock substantial competitive harm.

2. If such statement is not filed within 10 days of the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky, this 4th day of December, 1990.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner